

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

Prince William County CSB
Sudley North Government Center
7987 Ashton Avenue, Suite 200
Jean McCoy Conference Room
Manassas, Virginia, 20109
Friday, July 15, 2005

ADMINISTRATIVE MEETING
8:00 a.m.

COMMITTEE MEMBERS PRESENT:

Joyce Bozeman, Chairperson
Delores Archer
Bobby Tuck
Kirby Wright
Davey Zellmer

HUMAN RIGHTS STAFF PRESENT:

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Musa Ansari, Regional Human Rights Advocate, Region II
Nancy C. Neese, Regional Human Rights Advocate, Region III
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Collette Ashiru, CORE Human Rights Advocate, Regions IV & V
Mary Towle, Facility Human Rights Advocate, Northern Virginia Training Center

OTHER STAFF PRESENT:

Karen Walters, DMHMRSAS Special Counsel
Shirley Ricks, Child and Family Services Manager, DMHMRSAS
Kim McGaughey, Executive Director, Office of Comprehensive Services

OTHERS PRESENT:

Tom Geib, Executive Director, Prince William County Community Services Board
Dave Naylor, Executive Director, A New Beginning

Joyce E. Bozeman, Ph.D., called the July 15, 2005 State Human Rights Committee meeting to order and passed the floor to Musa Ansari, Region II Human Rights Advocate. Mr. Ansari introduced Tom Geib, Executive Director of Prince William County Community Services Board.

Mr. Geib thanked Mr. Ansari and welcomed the SHRC and staff of the office of human rights to the community services board. Mr. Geib said he was delighted to have the SHRC at the facility and praised the SHRC, LHRC and human rights advocates for the critical roles they play in keeping the system focused on the consumer. Consumer care, health and safety are of upmost importance and Mr. Geib is proud of the way Prince William CSB and Musa Ansari have been able to handle incidents and resolve issues at the program level. He also thanked Cora L. Swett, Consumer Coordinator at the CSB, for her work on behalf of the human rights system.

Mr. Geib asked that, if possible, financial support for LHRCs be added to the human rights regulation. He stated that such an important aspect of the system deserves financial support.

Margaret Walsh, Human Rights Director, introduced Dave Naylor, Executive Director for A New Beginning, who was instrumental in his participation on the H3R Advisory Committee to revise the human rights regulation.

Reginald T. Daye, Regional Human Rights Advocate for Region V, described a situation at Keystone Newport News, LLC. This program has a variance for the use of a structured living protocol. It has come to Mr. Daye's attention that the program has been using Unit Restriction, an intervention for which they do not have a variance. The description provided in the program's Resident Handbook is vague and Unit Restriction does not seem to have safeguards built in. Ms. Collette Ashiru, CORE Human Rights Advocate for Regions IV & V, noted that in documented doctor's orders Unit Restriction was referred to as unit lockdown.

Mr. Daye and Ms. Ashiru suggested that the SHRC ask Keystone to attend the September SHRC meeting to answer questions regarding the meaning and use of Unit Restriction. They asked that Keystone be required to undergo the process of seeking a variance for Unit Restriction if they intend to continue its use. Kirby Wright recommended asking program representatives to come to the next SHRC meeting to discuss structured living and unit restriction. Margaret Walsh recommended the SHRC send a letter to Keystone Newport News, LLC, formally requesting that the program demonstrate that Unit Restriction is in compliance with the human rights regulations.

Nancy C. Neese, Region III Human Rights Advocate, and Sherry C. Miles,

Region VI Human Rights Advocate, expressed concerns regarding a systemic issue of programs operating in more than one region. Some facilities are inappropriately terminating services for consumers without making arrangements with other facilities to receive them. This is especially problematic with individuals who present very difficult behaviors. The system is not providing enough support in providing services to these consumers.

Nancy C. Neese and Sherry Miles asked that the SHRC look into the requirements for long term care, and the conditions in which a program may terminate services. These programs feel they are being abandoned by the department because they receive these difficult individuals while they do not have adequate supports to serve them. Margaret Walsh suggested that the SHRC send a letter to Commissioner Reinhard asking him to look into this issue.

Davey Zellmer reported on the status of the SHRC newsletter *Human Writes*. Ms. Zellmer will focus on global issues that relate to all LHRCs for the first issue. The purpose and mission of the newsletter will be stated as well as some general information relating to how to contribute to the newsletter and how to use it as a tool. The human rights office will request the establishment of a mailbox to receive e-mail contributions at SMTP address SHRC.Newsletter@co.dmhmrzas.virginia.gov. This address will be published in the newsletter. Chuck Collins, Region I Human Rights Advocate, has submitted his *Meet the Advocate* article, which covers a brief bio and description of his region.

Youth in Transition

Ms. Shirley Ricks, Child and Family Services Manager for DMHMRSAS, and Ms. Kim McGaughey, Executive Director for the Office of Comprehensive Services provided an update on Youth in Transition activities of the Department. Ms. Ricks' office submitted a report to the human rights office which was included in the information packet for the meeting. Ms. Ricks and Ms. McGaughey spoke to the committee about the disposition of youth as they transition from child services into adult programs. The Office of Child and Family Services is working with the Office of Comprehensive Services and other organizations to develop an integrated plan to aid consumers in continuing to access services.

Bobby Tuck asked that they consider contacting PAIR for inclusion in developing the integrated plan and policies for implementing the system.

Margaret Walsh thanked Ms. Ricks for pulling information together for the report provided for the meeting. Joyce Bozeman thanked Ms. Ricks and Ms. McGaughey for addressing the committee on this issue and asked that they please send quarterly reports to the SHRC c/o the Office of Human Rights.

REGULAR MEETING

10:15 a.m.

COMMITTEE MEMBERS PRESENT:

Joyce Bozeman, Chairperson
Delores Archer
Bobby Tuck
Kirby Wright
Davey Zellmer

HUMAN RIGHTS STAFF PRESENT:

Margaret Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
Musa Ansari, Regional Human Rights Advocate, Region II
Nancy C. Neese, Regional Human Rights Advocate, Region III
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Reginald T. Daye, Regional Human Rights Advocate, Region V
Sherry C. Miles, Regional Human Rights Advocate, Region VI
Collette Ashiru, CORE Human Rights Advocate, Regions IV & V
Anne Stiles, Facility Human Rights Advocate, Piedmont Geriatric Hospital and the
Virginia Center for Behavioral Rehabilitation
Mary Towle, Facility Human Rights Advocate, Northern Virginia Training Center

OTHER STAFF PRESENT:

Karen Walters, DMHMRSAS Special Counsel
Cheryl Crawford, Administrative Services Coordinator, Virginia Center for Behavioral
Rehabilitation

OTHERS PRESENT:

Tom Geib, Executive Director, Prince William County Community Services Board
Dave Naylor, Executive Director, A New Beginning
Denise Yopp, MS, CSAC, Bethany Hall for a New Beginning A Recovery Home for
Women
Ginny Travis, Director of Quality Improvement, Turning Point Program of the District 19
CSB
Sherri Diven, Director of Community Services, Turning Point Program of the District 19
CSB
Kate McBride, Director of Compliance and Risk Management, Poplar Springs Hospital
Jerry Von Poks, Human Rights Coordinator, Poplar Springs Hospital
Patrick Bateman, Ph.D., Executive Director, Barry Robinson Center
Monica Manley, Ph.D., Clinical Director, Barry Robinson Center
Tracy Butler, Associate Administrator, Pines Residential Treatment Center

CALL TO ORDER:

The July 15, 2005, meeting of the State Human Rights Committee was called to order by Dr. Joyce E. Bozeman, Ph.D., Chair. Dr. Bozeman lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

MINUTES:

The minutes of the June 3, 2005 State Human Rights Committee meeting were unanimously approved as circulated.

VARIANCES:

Western State Hospital

The Western State Hospital report on the use of the model HIPAA variance was accepted to the file.

Bethany Hall for a New Beginning A Recovery Home for Women

Nancy C. Neese, Regional Advocate, introduced Denise Yopp, MS, CSAC, of Bethany Hall. Ms. Yopp provided an overview of this multi-faceted program for the treatment of substance abuse disorders for women. Ms. Yopp also presented issues that have arisen over this past year that demonstrate the continued need for the variance. Ms. Neese stated that the program is requesting the renewal of variance to 12 VAC 35-115-50, Dignity C7 and C8, and the corresponding paragraphs E4c and 5 allowing Bethany Hall to restrict consumer access to telephones and visitation and approving the substitution of state certified clinical staff for a physician or licensed clinical psychologist where required to implement individual restrictions.

The motion was made and unanimously passed to approve Bethany Hall for a New Beginning s request for variance to 12 VAC 35-115-50, Dignity, C7 and C8, and the corresponding paragraphs E4b & c, and 5. This approval is granted until such time as the human rights regulation is revised or for a period of two (2) years, which ever is sooner. Bethany Hall must submit an annual report to the SHRC regarding the effectiveness of the practice which shall include a description of any problems with the implementation of the variance, complaints about the variance from individuals, family members or staff, and a statement or rationale for the continued need of the variance.

District 19 / Turning Point

James O. Bowser, Jr., Region IV Advocate, introduced Ms. Ginny Travis, Director of Quality Improvement and Ms. Sherri Diven, Director of Community Services.

Mr. Bowser reported that the Turning Point Program of the District 19 CSB is requesting a renewal of the variance to sections 12 VAC 35-115-50, C7 and 12 VAC 35-115-100, A1b of the *Rules and Regulations To assure The Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services*. Turning Point is a 28-day residential substance abuse treatment program. The renewal of the variance will allow Turning Point to continue to restrict consumer use of the telephone for non-treatment related purposes for the first 24 hours after admission, and will continue to allow staff to observe consumers opening their mail. The purpose of monitoring the mail is to help ensure no contraband is present.

Mr. Bowser reported that the Crater Local Human Rights Committee reviewed and unanimously approved the renewal of the variance on June 20, 2005.

A motion was made and unanimously passed to approve the variance to 12 VAC 35-115-50, C7 and 12 VAC 35-115-100, A1b for District 19 - Turning Point until the human rights regulation is revised or for a period of two (2) years, which ever is sooner. Turning Point must submit an annual report to the SHRC regarding the effectiveness of the practice which shall include a description of any problems with the implementation of the variance, complaints about the variance from individuals, family members or staff, and a statement or rationale for the continued need of the variance.

Poplar Springs Hospital

James O. Bowser, Jr., Region IV Advocate, introduced Ms. Kate McBride, Director of Compliance and Risk Management and Mr. Jerry Von Poks, Human Rights Coordinator.

Mr. Bowser reported that Poplar Springs is requesting the renewal of a variance to 12 VAC 35-115-110, B13 and 12 VAC 35-115-115-100 of the *Rules and Regulations To Assure The Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services*. Mr. Bowser explained that the renewal of the variance will permit Poplar Springs to continue to use Treatment Refocus/Structured Living. The variance extends the 30 minute time limit for the use of time out. It is used as a last resort, in certain defined circumstances, when a resident has received treatment according to his treatment plan, but has continually, despite all interventions being exhausted, engaged in aggressive acts towards others.

Mr. Bowser reported that the renewal of the variance was unanimously approved by the Petersburg Regional LHRC on June 6, 2005.

A motion was made and unanimously passed to grant approval of the variance to 12 VAC 35-115-110, B13 and 12 VAC 35-115-115-100 for a two-year period. Poplar Springs Hospital must submit an annual report to the SHRC regarding the effectiveness of the practice which shall include a description of

any problems with the implementation of the variance, complaints about the variance from individuals, family members or staff, and a statement or rationale for the continued need of the variance.

Barry Robinson Center

Ms. Collette Ashiru, Region IV and V CORE Human Rights Advocate, introduced Patrick Bateman, Ph.D., Executive Director and Monica Manley, Ph.D., Clinical Director, for the Barry Robinson Center. Dr. Bateman provided a brief overview of the Barry Robinson Center and the population of children for whom the variance and policy would impact.

Ms. Ashiru indicated that the Barry Robinson Center is requesting a variance to 12 VAC 35-115-110, B13, Use of Seclusion, Restraint and Time Out of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services*. The variance would allow for the continued use of the structured living protocol.

A motion was made and unanimously passed to approve the variance to 12 VAC 35-115-110, B13, Use of Seclusion, Restraint and Time Out for a two-year period. The Barry Robinson Center must submit an annual report to the SHRC regarding the effectiveness of the practice which shall include a description of any problems with the implementation of the variance, complaints about the variance from individuals, family members or staff, and a statement or rationale for the continued need of the variance.

The Pines Residential Treatment Center

Mr. Reginald T. Daye, Region V Human Rights Advocate, introduced Ms. Tracy Butler, Associate Administrator of the Pines Residential Treatment Center. Ms. Butler provided a brief overview of the Pines Residential Treatment Center and the population of children for whom the variance and policy would apply.

Mr. Daye indicated that the Pines Residential Treatment Center is requesting a variance to Section 12 VAC 35-115-110, B13, Use of Seclusion, Restraint and Time Out of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services*. Approval of the variance will allow the program to implement its structured living policy, which exceeds the regulatory requirements of 30 minutes per episode for the use of Time Out.

A motion was made and unanimously passed to approve the variance to 12 VAC 35-115-110, B13, Use of Seclusion, Restraint and Time Out for a two-year period. The Pines Residential Treatment Center must submit an annual report to

the SHRC regarding the effectiveness of the practice which shall include a description of any problems with the implementation of the variance, complaints about the variance from individuals, family members or staff, and a statement or rationale for the continued need of the variance.

Keystone Newport News

Ms. Collette Ashiru, CORE Human Rights Advocate for Regions IV & V, summarized the concerns about the use of Unit Restriction at Keystone Newport News, LLC.

A motion was made and unanimously passed to send a letter to the program requesting they demonstrate that the practice of Unit Restriction is in compliance with the human rights regulation.

Policies and Monthly Report: Virginia Center for Behavioral Rehabilitation

The committee accepted the VCBR Advocate Monthly Report for May, 2005.

Anne Stiles, Facility Human Rights Advocate for Piedmont Geriatric Hospital and the Virginia Center for Behavioral Rehabilitation introduced Cheryl Crawford, Administrative Services Coordinator for Virginia Center for Behavioral Rehabilitation. Ms. Stiles reminded the committee that during the June meeting, the SHRC asked about the assignment of legal guardians for VCBR consumers. She stated that it is very difficult to find individuals who are willing to assume responsibility for this population.

SHRC members reviewed VCBR policies for Legally Authorized Representatives, Informed Consent, Resident Photocopying, as well as the Resident Handbook. They also considered a request to add a sentence regarding approved educational materials to the Computer policy.

Ms. Stiles was asked to cross-check all policies with the Resident Handbook for consistency, and the committee suggested she ask a few residents and staff to read through the handbook to ensure readability and ease of use.

A motion was made and unanimously passed to adopt the VCBR policies for Legally Authorized Representatives, Informed Consent, Resident Photocopying, and use of computers, and the Resident Handbook with the changes suggested.

BYLAWS:

District 19 Local Human Rights Committee

James O. Bowser, Jr., Region IV Advocate, reported that the District 19 Local Human Rights Committee passed a motion to change the name of the Committee to the Crater LHRC on May 7, 2005. On behalf of the LHRC Mr. Bowser requested the SHRC's approval of the name change as reflected in the bylaws submitted.

A motion was made and unanimously passed to accept the name change of the District 19 LHRC to Crater LHRC, and to approve the revision of the bylaws to reflect the change, subject to the incorporation of the Virginia Code section change from 37.1-84.3 to 37.204 in the membership section of the bylaws. The bylaws must also include the requirement that at least one appointment to the Local Human Rights Committee shall be a health care provider.

Eastern State Hospital Local Human Rights Committee

Mr. Reginald T. Daye, Region V Advocate, presented the bylaws modification request for Eastern State Hospital (ESH) on behalf of the ESH Local Human Rights Committee. The LHRC is seeking to amend their bylaws in order to define the minimum number of meetings to be held each year.

A motion was made and unanimously passed to approve the Eastern State Hospital bylaws, subject to the following modifications:

Article I Membership, Section 4.1, Composition, Sentence 2, should be amended to read: As required by the Code of Virginia, 37.1-84.3, one-third of the filled appointees to the LHRC shall be consumers or family members of consumers, with at least two consumers who are receiving, or have received within five years of their initial appointment, mental health, mental retardation, substance abuse treatment or rehabilitative services. In addition, at least one member must be a health care provider. Remaining appointees may be lawyers and persons with interest or knowledge or training in the mental health, mental retardation or substance abuse field.

Article VIII Meetings, Section 8.1, Time and Place, Sentence 1, should be changed to read: The LHRC shall conduct regularly, and at least quarterly, scheduled meetings at a time and place determined by the committee.

Article X Amendments of the Bylaws, Section 10.4, should be changed to read: If any of the provisions of the bylaws are in conflict with the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services*, the Rules and Regulations shall prevail.

Piedmont Community Services Local Human Rights Committee

Ms. Sherry C. Miles, Region VI Advocate, presented a bylaws modification request on behalf of the Piedmont Community Services LHRC. The committee is seeking to amend their bylaws in order to comply with the Virginia Code section 37.1-84.3 to include a health care professional in the LHRC membership composition. The LHRC also requests the membership be increased from seven to nine. The Committee has opted not to elect a secretary and would like to remove the line regarding election and duties of the secretary.

A motion was made and unanimously passed to approve the Piedmont Community Services Local Human Rights Committee bylaws to include a health care professional, to increase the membership from seven to nine, and to remove the position of secretary.

LHRC MEMBERSHIP:

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code § 2.2-3711 for the purpose of considering appointments to, and removals from, Local Human Rights Committees.

Upon reconvening in open session, the State Human Rights Committee unanimously certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session were discussed in the closed session.

Mr. Reginald T. Daye, Regional Advocate, Region V, presented a request on behalf of the Williamsburg Regional LHRC to remove Mr. Stephen J. Roberts as a member of the committee due to his lack of attendance at the regularly scheduled meetings.

A motion was made and unanimously passed to remove Mr. Roberts from the Williamsburg Regional Local Human Rights Committee.

The SHRC accepted the resignation of Ms. Londella Hamilton from the Metro Richmond Local Human Rights Committee.

The motion was made and unanimously passed to appoint the following applicants to the listed Local Human Rights Committees.

Valley CSB LHRC

Appoint:

Ms. Marita Derrick

Mr. Robert J. Young

Alexandria LHRC

Appoint:

Ms. Kelly Saunders Hauck

Mr. G. Scott Singleton

Loudoun County CSB LHRC

Appoint:

Mr. Albert Lee Ware

Mr. Bennett Downey

Reappoint:

Ms. Heidi Gardner

Southwest Regional LHRC

Appoint:

Dr. Elvera E. McLees

Southwest Virginia Training Center LHRC

Appoint:

Ms. Wilma L. Brown

Richmond Unified LHRC

Appoint:

Ms. Londella Hamilton

Ms. Toinette Worden

Crater (aka District 19) LHRC

Appoint:

Mrs. Rosa Parham

Central State Hospital

Appoint:

Mrs. Violet R. Hite

Reappoint:

Mrs. Bettye A. Wilkerson

Ms. Chana Ramsey

Williamsburg Regional LHRC

Appoint:

Mr. Timothy Russell

Suffolk Regional LHRC

Appoint:

Ms. Roberta (Bobbie) Wilkins

Southeastern Virginia Training Center LHRC

Appoint:

Dr Elizabeth Cofelt-Hill

Reappoint:

Mr. Jeffrey Regan

Universal Family LHRC

Appoint:

Mr. Bruce Watson

Mr. Douglas Tucker

Piedmont Community Services LHRC

Appoint:

Ms. Jeri H. Crews
Ms. Gundrun Rapp-Chase
Ms. Aleen Wilson
Mr. James D. Potter

Reappoint:

Mr. Robert Hiatt

Central Virginia Community Services LHRC

Appoint:

Ms. Matherine Oulds

Reappoint:

Mr. Robert Cardwell
Mr. Doug Wigner

Central Virginia Training Center LHRC

Reappoint:

Ms. Juanita Elliott

State Human Rights Director s Report:

Margaret Walsh, State Human Rights Director, asked the committee s pleasure regarding the draft revised LHRC appointment and reappointment applications.

A motion was made and unanimously passed to adopt the revised LHRC appointment and reappointment application forms. The new forms are to go into effect immediately.

Ms. Walsh informed the SHRC that on behalf of the H3R Advisory Committee she sent the H3R Advisory Committee s Report of recommendations to Commissioner Reinhard. Dr. Joyce Bozeman commended Ms. Walsh on her work mediating and facilitating the meetings of the H3R Advisory Committee.

Having no further business to discuss, the motion was made and passed to adjourn the meeting.

Respectfully submitted,

Joyce E. Bozeman, Ph.D., Chairperson
State Human Rights Committee